



MEMORANDUM

B/F

Agenda Item No. 3(C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE:

March 11, 2004

FROM: George W. Burgess
County Manager

SUBJECT: Waiver of Formal
Bid Procedures

RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services pursuant to Section 2-8.2 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interest of the County.

BACKGROUND

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

Item 1.1 (Automated Fueling System Maintenance) is to provide repairs, maintenance, software upgrades and modifications and staff training for the County's existing automated fueling system.

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

Item 2.1 (Toni Brough Amphitheatre Show) is establish a contract for animal shows at Metrozoo

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

None

See Section 4, Contract Measures, below.

Section 4 CONTRACT MEASURES

Minority business measures are applied to the purchase of goods and services as determined by the County's Review Committee in accordance with the requirements of Administrative Orders 3-3, Black Business Enterprise Program; 3-17, Hispanic Business Enterprise Program; and 3-18, Women Business Enterprise Program. Upon approval of these contract measures by the Board, an invitation to bid will be issued among minority certified firms to establish a contract for the purchase of these items.

On January 21, 2004, the Review Committee determined that Janitorial Services, Item 4,1, be set aside for bidding solely among certified BBE firms.

Section 5 EMERGENCY PURCHASES

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. Whenever feasible, staff solicits at least three competitive quotes.

The emergency procedure was utilized for Item 5.1 (Newspaper Advertising for Delinquent Taxes) for newspaper advertising for delinquent real property and tangible personal property taxes.

Section 6 NONCOMPETITIVE CONTRACT MODIFICATIONS

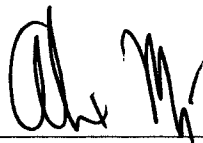
A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

None

Section 7 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

None



Alex Muñoz
Assistant County Manager




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: April 13, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Veto

Override

RESOLUTION NO.

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE
PURCHASE OF CERTAIN GOODS AND SERVICES AND
SETTING ASIDE ONE CONTRACT FOR BIDDING SOLELY
AMONG BBES AUTHORIZING THE COUNTY MANAGER TO
AWARD SAME AND EXECUTE OPTIONS TO RENEW

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific items and services which cannot be purchased under normal bid procedures;

WHEREAS, the County Manager and the Review Committee recommends to this Board that it is in the best interests of the County to set aside one contract for bidding solely among BBes as there are substantial disparities for BBes in the applicable relevant market segments, the opportunities provided by the contracts are appropriate for applying a set aside, and race neutral measures will not address effectively the demonstrated disparities in the market segments involved.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services and to set aside one contract for bidding solely among BBes and authorizes the County Manager to award such contracts and execute options to renew established thereunder, pursuant to Section 4.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.2 of the County Code by a two-thirds (2/3s) vote of the Board members present.

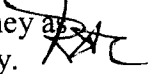
The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney  to form and legal sufficiency. _____

By: _____
Deputy Clerk

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for all the items listed in the package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

1.1

BID NUMBER:

SS3796-4/07-OTR

Title:

Proprietary Parts, Repairs, Equipment, Maintenance, Software, Software Modifications and System Training, E.J Ward

Description:

To establish a replacement contract to provide proprietary parts, repairs, equipment, maintenance, software, software modifications and system training for County-wide fueling stations.

Department(s)

Allocation(s)

GSA

\$500,000.00

MDT

\$200,000.00

\$700,000.00

Term of Contract:

One year

Option(s) to Renew:

Four one-year options to renew.

Vendor(s):

E.J. Ward, Inc.

Estimated Contract Usage:

\$700,000.00

Review Committee

Recommendation:

No measure (sole source).

Review Committee Date:

December 17, 2003; Item #2-10

Living Wage:

Not applicable, the services to be provided are not a "covered service" under the ordinance.

Justification:

Authorization is necessary to establish a replacement contract to provide proprietary parts, repairs, equipment, maintenance, software, software modifications and system training for the County's existing automated fueling system. The fueling system records fuel transactions with odometer reading and chronological data forwarding this data to a central fuel computer for logging and tracking.

The system reviews fuel usage per vehicle to enable and authorize vehicle fueling and also monitors incoming fuel deliveries.

E.J. Ward, Inc. is the manufacturer and sole authorized equipment manufacturer representative and distributor for proprietary parts, software and hardware. The computer codes are also proprietary to E.J. Ward, therefore, it is the only company that can provide service, repairs and maintenance to include changes, additions, modifications, enhancements, updates and training.

The County has approximately \$750,000 invested in equipment and software. It is, therefore, more cost effective to maintain the existing system than to discard and replace it with a different manufacturer's system.

In addition to the basic repairs and maintenance, the allocation of \$450,000 is to allow GSA and MDTA to modernize the motor vehicle fleet with remote transponders, which will upgrade from a "carded" gas dispensing system to a system which will report not only fuel usage but also vehicle diagnostic information from the onboard computers. This new technology will give the departments the capability to track MPG, temperatures, pressures, fluid levels, vehicle and engine speeds and fault codes. Approximately \$350,000.00 of the total allocation for both departments is allotted to bring 800 vehicles on line as well as a minimum of 15 GSA and Police department fueling stations by the end of the fiscal year. The balance of \$100,000.00 will be spent on continued modernization, maintenance and repairs.

The Department of Procurement Management engaged in sole-source negotiations with E.J. Ward, Inc. which produced the following benefits to the County:

- An overall reduction of 4.7% from the vendor's original price proposal for the new contract, which will result in \$21,500.00 in savings during the initial one-year term of the contract.
- Free ground shipping was also negotiated at an estimated savings of \$1,500.00/year.

- The total savings negotiated by DPM, therefore, are the amount of \$23,000.00 during the initial one-year term and \$115,000.00 over the maximum five year duration of the contract.
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SECTION # 2
BID WAIVERS

2.1

BID NUMBER:

BW7327-4/08-OTR

Title:

Toni Brough Amphitheatre Show

Description:

To establish a contract for animal shows at Metrozoo Amphitheatre.

Department(s)

Park & Recreation

Allocation(s)

\$200,000.00

Term of Contract:

One year

Option(s) to Renew:

Four one-year options to renew

Vendor(s):

Toni Brough, Inc.

Estimated Contract Usage:

\$200,000.00

Review Committee

Recommendation:

No measure (bid waiver).

Review Committee Date:

February 11, 2004; Item #2-07

Living Wage:

Not applicable (the services to be provided are not a covered service under the ordinance).

Justification:

Authorization is requested to establish a replacement contract with Toni Brough, Inc., the incumbent vendor, to continue to provide patrons with animal shows at the Metrozoo Amphitheater.

DPM met with Metrozoo staff and the vendor to obtain a better understanding of the nature of the work being performed.

The vendor's training method is positive reinforcement in concert with visual signs, sounds, and treats to encourage the animals in their performances. The animals were hand raised from birth by the trainers. They are also assigned a primary trainer based on the most positive relationship.

All trainers must have a sincere love for all animals and a basic understanding of social theory. The social dynamics must be clear to animal handlers in order to determine the attitude and disposition of the animals. This helps to determine the aggressiveness or passiveness of certain animals under certain conditions.

Many of the trainers have worked with various animals for many years at different attractions such as the Miami Seaquarium and Parrot Jungle. Trainers and animal handlers with similar background are important because of the training methods used with the animal. It may take from two weeks to two years for new trainers to establish a relationship with certain animals to be ready to do a live show.

Since some of the trainers we spoke with previously worked for Parrot Jungle and the Miami Seaquarium, we contacted both to inquire about their training methodology and if they used any outside companies. Both of them replied that they employ their own trainers and rely on them exclusively to work with their animals.

Based on the fact that the relationship between trainer and animal is developed over time and there is no other apparent source to acquire competent animal trainers with an inventory of trained animals, this bid waiver for contract award to the incumbent vendor is recommended.

The Department of Procurement Management entered into direct negotiations with Toni Brough, Inc. which resulted in the following benefit to the County.

- Twelve (12) additional performances for promotional and/or public relations for Mterozoo per year at no additional cost the County.
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SECTION # 3
COMPETITIVE BID WAIVERS

None

SECTION #4
CONTRACT MEASURES

It is recommended that the Board of County Commissioners waive the use of formal competitive bids and apply contract measures under the Black Business Enterprise (BBE) Program (Ordinance 94-96) and approve the advertisement of the solicitation for the item listed below.

4.1

REQUISITION

NUMBER:

RQPM0400057

Title:

Janitorial Services for Miami Beach Regional Library

Description:

To establish a replacement contract for janitorial services including tools, equipment labor and supervision.

Department(s):

Library

Estimated Allocation(s):

\$30,000.00

Term of Contract:

One year

Option to Renew:

Two one-year options to renew

Review Committee Date:

January 21, 2004; Item #2-01

Review Committee

Recommendation:

BBE Set-aside

Previous Contract

Measure:

None

Living Wage:

Not applicable, the contract is less than \$100,000.

Planned Method of

Award:

To the lowest, responsive, responsible bidder for a single item.

**Estimated Advertisement
Date:**

Ten days after adopted by the BCC, unless vetoed by the Mayor.

Comments:

Respect of Florida was duly advised of this opportunity and declined to present a proposal.

SECTION #5
EMERGENCY PURCHASES

5.1

BID NUMBER:

E1544-FN

Title:

Newspaper Advertisement for Delinquent Taxes

Description:

To purchase newspaper advertising for delinquent real property and tangible personal property taxes.

Department:

Finance/Tax Collector

Allocation:

\$175,000.00

Term of Contract:

From April 22, 2003 to May 30, 2003

Review Committee

Recommendation:

No measure, due to insufficient availability.

Review Committee Date:

March 26, 2003; Item #2-04

Living Wage:

Not applicable, the services to be provided are not a "covered service" under the ordinance.

Vendor(s):

New York Law Publishing Company d/b/a Miami Daily Business Review

Estimated Contract Usage:

\$175,000.00

Justification:

Retroactive authorization to April 22, 2003 is necessary to provide newspaper advertising for delinquent real property and tangible personal property taxes.

Per Florida Statute 197.402, the Tax Collector's Office is required to advertise the lists of delinquent taxpayers including the amount of taxes due before the issuance of a tax warrant or the commencement of the County's annual tax certificate sale. The statutory rule requires that the delinquent real property taxes must be advertised three consecutive weeks prior to the June 1 tax sale and the tangible personal property taxes must be advertised within 45 days after becoming delinquent, April 1.

For the 2003 requirement, the Tax Collector's Office elected to work with DPM in order to competitively procure these newspaper services. DPM received the request, however,

with insufficient time to conduct a formal competitive bid process. The purchase, therefore, was handled as a competitive emergency action.

Five firms were invited by DPM to submit quotations and three bids were received. The contract was awarded to the low responsive, responsible bidder.

The required award affidavits were forwarded to the vendor on two separate occasions (April 14, 2003 and July 10, 2003). In spite of continued communications to clarify these requirements, the vendor has not complied with the County's affidavit submittal requirement. Board ratification, therefore, of this emergency purchase is requested without the vendor's formal compliance with the affidavit submission.

SECTION # 6
NONCOMPETITIVE CONTRACT MODIFICATIONS

None

SECTION # 7
CONFIRMATION PURCHASES

None
